

SUBJECT No. 30.

Recruitment to the Higher
Judiciary.

Mr. Belur Srinivasaiengar,
Law Association, Bangalore.

Mr. Belur Srinivasaiengar.—In Sub-Courts, District Courts and the Chief-Court, 5th per cent of the vacancies among Judges may be filled up by selection from the Bar. If this is done, there will be scope for lawyers to work enthusiastically and shine in their profession. The efficiency of the judicial department will not be diminished in the least by the above procedure, as only capable men will be selected from the Bar on the recommendation of the Chief Court. In all the High Courts of India, there is a rule laying down the number of civilians and lawyers to be recruited to the judicial service. Our courts are on the model of the High Courts. There must be a policy here also fixing the number of appointments to lawyers. Out of every three vacancies among the Sub-Judges one may be filled up by the appointment of a person from the Bar, provided of course, a capable man is available.

Second Member of Council.—Are the Munsiffs included in your representation?

Mr. B. Srinivasaiengar. No.

Second Member of Council.—Munsiffs are mostly recruited from the Bar. They work for 12 years and then have to lose their chance. Do you approve of it?

Mr. B. Srinivasaiengar.—Previously one out of three vacancies went to a lawyer. Only good ones who have put in years of practice may be selected.

Mr. Justice K. S. Chandrasekhara Aiyar.—All the three District Judges now in service were so taken.

Mr. B. Srinivasaiengar.—There need be no fixed rule. But please lay down the policy, with necessary provisos.

Second Member of Council.—Policy must be acted upon, otherwise it is no use laying it down.

Mr. B. Srinivasaiengar.—There was an order to that effect. It will induce lawyers to work well. There are 3 Judges in the Chief Court. One vacancy may be reserved for a good lawyer. There may be a proviso that the vacancy will go to a lawyer, if a really good one is available and if His Highness approves of it.

Second Member of Council.—Has it not been done?

Mr. B. Srinivasaiengar.—Yes, years ago; and recently, only temporarily. But a policy may be laid down. If the Chief Court recommends, one in three vacancies may be given; otherwise, not.

Mr. C. Rasul Khan.—Higher appointments may be given as Government wish; but for the post of Munsiffs, only experienced men may be appointed by the Chief Court. It is not advisable to appoint young lawyers for this place, as they are hasty in their conclusions, and as they will have no sympathy towards raiyats. Only experienced and aged men are helpful.

Second Member of Council.—Government have laid down a policy for appointing men from the Bar to the judicial service and many such appointments have been made whenever suitable men were procurable. In British India, Sub-Judges are not directly recruited from the Bar.

Dewan.—Government cannot accept any hard and fast rule for the appointment of judicial officers. It will always be open to Government to select the best men either from the Bar or from the service. They must keep

up the efficiency, and they must also see to the claims of the men in service. The recruitment must be left to their discretion. A hard and fast rule is not suitable, and Government cannot accept the principle.

SUBJECT No. 31.

Time-limit for the disposal
of Civil and Criminal
cases.

Messrs. K. T. Devappa, Tirtha-
halli Taluk, and Shanbhog
Sankarappa, Holalkere Taluk.

Mr. K. T. Devappa.—It is necessary that there should be a maximum limit of time within which both in the Civil and Criminal courts, cases should be disposed of. As per existing practice, some cases drag on for a number of years and it will be very inconvenient and troublesome to the parties to attend the court many a time, and spend unnecessarily large amounts. The new special courts are located in distant places—sometimes more than 50 miles away. Witnesses simply decline to go. If a maximum time is fixed, there will be no room for such difficulty to the parties.

Mr. Sankarappa.—Some of the criminal cases will be allowed to drag on for a long period. By lapse of time, the parties and witnesses may entirely forget material facts connected with the case, and as such, there is likely to be injustice. A time-limit will avoid this trouble.

Mr. Justice K. S. Chandrasekhara Aiyar.—The delay in the disposal of the cases is mainly due to the parties and witnesses on some of whom summons cannot be served in time. At times, the party himself prays for adjournments and if he satisfies the court that he cannot attend the court on the day fixed, the court has to comply with his request. The delay is unavoidable, and is comparatively slight so far as the court is concerned. A limit will mean hasty disposals, and, then applications to set aside the order. Even the Chief Court is approached. All efforts are made to dispose of cases speedily.

Mr. K. T. Devappa.—I admit. But without a limit there is cause for delay.

Mr. Justice K. S. Chandrasekhara Aiyar.—Adjournments are given for sufficient reasons.

Messrs. K. T. Devappa and D. S. Mallappa.—People get ruined by the delay. The value of the evidence is lost.

Mr. Justice K. S. Chandrasekhara Aiyar.—It is known. What is the remedy?

Dewan.—We will consult the Chief Court to suggest measures to prevent delay. We will do what is possible.

Mr. Kullegowda.—The Bench Magistrates' Courts in the taluk headquarters may be abolished, as sufficient powers are not given to these Magistrates, and people are not saved the worry of going to other courts in distant places. This work can easily be entrusted to Amildars.

Mr. Chikmayigowda.—We cannot expect justice in the Bench Magistrates' Courts, as the Magistrates are not generally qualified men and as they do not know much of Law. The Amildars may be invested with the powers they originally exercised.

Mr. C. Narayana Setti.—There will be no abuse of Law in the Bench Magistrates' Court, as they exercise powers only under a few sections. These courts decide mostly questions of common sense and are very useful to the public. People will in many cases be saved the trouble of going to other courts as efforts are made to effect compromises in all possible ways.

SUBJECT No. 32.

Abolition of the Bench
Courts. The Amildars and
Sub-Division Officers to exer-
cise Magisterial functions
as formerly.

Messrs. Chikmallappa, Gundlu-
pet Taluk, Kullegowda, Naga-
mangala Taluk; Puttasamigowda,
Malvalli Taluk, and Chikmayi-
gowda, Bannur Municipality.